

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA, HELD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON MONDAY, OCTOBER 7, 2013 AT 7:30 P.M.**

**PRESENT:** Council Members, Mr. Coffey, Mr. Caesar, Mr. Phipps, Mrs. Benedetti, Mrs. Baird, Mr. Gonder, Mr. Zurschmiede and President McLaughlin. Mrs. Benedetti and Mr. Blair were not present.

**OTHERS PRESENT:** Mr. Hall, Mr. Gibson, Police Chief Knight, Major Whitlow, Colonel Pennell, Mr. Duggins, Ms. Moeller, Mr. Thompson, Mr. Wilkinson and Ms. Glotzbach.

**MOMENT OF REFLECTION:**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Gonder moved to approve the Work Session Meeting Minutes for September 5, 2013, Mr. Caesar second, all voted in favor with the exception of Mrs. Benedetti and Mr. Blair who were not present.**

**Mr. Caesar moved to approve the Executive Session Meeting Minutes for September 12, 2013, Mr. Phipps second, all voted in favor with the exception of Mr. Coffey and Mr. Zurschmiede who abstained and Mrs. Benedetti and Mr. Blair who were not present.**

**Mr. Phipps moved to approve the Work Session Meeting Minutes for September 12, 2013, Mrs. Baird second, all voted in favor with the exception of Mr. Coffey and Mr. Zurschmiede who abstained and Mrs. Benedetti and Mr. Blair who were not present.**

**Mrs. Baird moved to approve the Work Session Meeting Minutes for September 19, 2013, Mr. Phipps second, all voted in favor with the exception of Mr. Zurschmiede who abstained and Mrs. Benedetti and Mr. Blair who were not present.**

**Mr. Phipps moved to approve the Regular Meeting Minutes for September 19, 2013, Mr. Gonder second, all voted in favor with the exception of Mr. Zurschmiede who abstained and Mrs. Benedetti and Mr. Blair who were not present.**

**Mrs. Baird moved to approve the Work Session Meeting Minutes for September 26, 2013, Mr. Caesar second, all voted in favor in favor with the exception of Mr. Phipps and Mr. Zurschmiede who abstained and Mrs. Benedetti and Mr. Blair who were not present.**

**COMMUNICATIONS – PUBLIC:**

**COMMUNICATIONS – CITY OFFICIALS:**

**Mr. Gonder** asked if the committee on health is free to proceed or do they need to get with Mrs. Benedetti to get it started.

**Mr. McLaughlin** said that he could get with her to initiate getting it started.

**Mr. Coffey** asked Mr. Gibson if they gave the council a packet where they reviewed the healthcare laws and how they will affect each individual with the city.

**Ms. Moeller** stated that there were several packets that went out. She said that the first one hit several different groups such as retirees, unions, etc. She said that the last one that went out was the open enrollment schedule that went out with paychecks.

**Mr. Coffey** thanked her for doing it.

**Mr. Caesar** stated that the Stories Behind the Stones was a real success. He said that Sunday, November 10<sup>th</sup>, Mr. Harshey is planning a really nice ceremony for Veterans Day at Bicentennial Park. He stated that nothing will change with the standard Veterans Day ceremonies. He explained that there was a cleanup at a residence in his neighborhood and they did a wonderful job but what the city carried away was really more than they should be obligated to do. He said that he would like a committee to possibly have an ordinance that there should be a charge for truckloads of debris that are cleaned up at a residence. He also said that the general plan would be to have the sewer department bill and collect the money to go into a non-reverting fund to go back to the street department.

**Mr. Gonder** stated that he is one that would have been charged rather heavily after the ice storm or hurricane because they lost several trees and he cut all of the brush part off and the city removed a lot of it. He feels that he should've been charged for that. He also stated that a good way to handle that may be an hourly rate to run the chipper and for the guys to load the chipper.

**Mr. Phipps** stated that he thinks that people should be encouraged to move in and clean up properties and thinks that might be a barrier for someone. He added that he can see both sides of it.

**Mr. Coffey** stated that he remembers that they appropriated money after the ice storm and the hurricane because there is no way that it could have been cleaned up without it. He also stated that we used to have spring cleanups and cleanups in neighborhoods so we should try to coordinate those again. He said that if the people are doing it themselves then we are saving manpower and hourly wages. He also said that if it is debris from the yards that is one thing but if it is things from inside the house that is another.

**Mr. Caesar** stated that yard removal was all he was really focusing on but he knows that stuff coming from inside the house probably has to be a part of it also.

**Mr. Gonder** stated that there is quite a steep cost in getting rid of that and that it is a strain on the budget because it is not expected.

**Mr. Coffey** stated that he agrees but feels that people are having a hard time paying their bills because their wages aren't going up but the cost of living is. He added that he doesn't feel at this time that we can charge them especially if they are cleaning it up.

**Mrs. Baird** stated that she is worried that it will deter people from cleaning their properties.

**Mr. Zurschmiede** added that they may not be willing or financially able to pay someone to clean it up and so it will just lay there. He then asked Mr. Thompson what his thoughts are on it.

**Mr. Thompson** said that after the ice storm and hurricane the city stepped in and even opened the old farmer's market and said to bring the debris there and they would get rid of it. He said that because it was an emergency, we were able to apply for FEMA and were reimbursed so that is a different story from what Mr. Caesar is talking about. He stated that in the situation that Mr. Caesar is referring to, he had them go empty the truck to go up there with an empty truck and it filled the grappler truck up. He said that you have two guys being paid for the time it took to empty the truck, take it up there, load it again and empty it again. He said that they also have the cost of getting rid of the material.

**Mr. Zurschmiede** asked if that type of material is picked up on a routine schedule or is it just strictly on a call-in basis.

**Mr. Thompson** stated that they try to pick up on the same day as sanitation. He said that they first talk to someone to make sure that it is not a contractor which happens quite often. He said that contractors sometimes tell the resident to tell the city that they did it themselves so the city will pick it up. He said that the guys usually leave something that size for him to check in to. He said that they try to pick up the piles that are too big for sanitation to pick but up but small enough that they can just pick them up and go. He also said that they run two trucks everyday and one picks up trash such as household items and the other picks up yard waste and there is usually quite a bit of both. He said that he thinks the ordinance says what sanitation is supposed to pick up but we renegotiated the deal with them to include three 30 gallon containers, three bulk items and up to ten bags of leaves. He added that by ordinance the other stuff is really not supposed to be picked up by the city.

**Mr. Zurschmiede** asked if he had any thoughts on how to deal with it.

**Mr. Thompson** stated that we can do what Louisville does which is don't allow you to just pile out a bunch of stuff but they have a set time of the year for each neighborhood where you can do a spring and fall cleanup and they have a chance to put those types of items out. He added that if we did that then he wouldn't have those two crews tied up every day.

**Mrs. Baird** stated that the neighborhood associations have their spring and fall cleanups and downtown cleans up twice a year so maybe having an ordinance where it would have to be scheduled would be a good idea.

**Mr. Thompson** stated that is the way to control it.

**Mr. Gonder** asked if you did it like Louisville and it was four times a year then you are taking care of the ones who can't afford it but if they wanted to do it at another time during the year, they would be charged.

**Mr. Zurschmiede** suggested putting together a committee.

**Mrs. Baird** stated that she would serve.

**Mr. Gonder** stated that he would serve as well.

**Mr. Zurschmiede** stated that there is a contractor that recently put in a turning lane going into the apartments on Grant Line Road out by IUS and there is a bubble dome grate there and asked if it is being addressed because it is a dangerous issue.

**Mr. Thompson** stated that he called the county and the guy that runs the county garage told him that he was off when they did that.

**Mr. Zurschmiede** stated that he would take it up with the county. He then stated that the entrance to Spring Street has a pedestal for a sign and asked if a sign was going to be put in.

**Mr. Thompson** stated that they are looking at some kind of artwork to put in.

**Mr. Phipps** stated that he noticed over the weekend that there is a green light out at State Street and Cherry Street when you are southbound on State Street.

**Mr. Thompson** stated that they will get it.

**COMMUNICATIONS – MAYOR:**



**Mr. Gonder** stated that the school crossing guards were cut off.

**Mr. Gibson** stated that he would put that back on.

**Mr. Zurschmiede** stated that the hourly rate for animal control was dropped off too.

**Mr. Gibson** stated that they were trying to leave it to the department head's discretion to a degree so they put in up to \$15.00 and leave it to their call.

**Mr. Zurschmiede** asked if we currently have a TIF project coordinator.

**Mr. Gibson** stated that is Mr. Rosenbarger.

**Mr. Coffey** stated that the administration has done a wonderful job on this because some of the people don't realize how bad it was as little as two years ago.

**A-13-07          An Ordinance to fix the General Fund and          Coffey 1&2**  
**Other Budgets for the Year 2014**

**Mr. Coffey introduced A-13-07 and moved to approve 1<sup>st</sup> and 2<sup>nd</sup> readings, Mr. Phipps second, all voted in favor with the exception of Mrs. Benedetti and Mr. Blair who were not present.**

**Mr. Coffey** stated that Mr. McLaughlin has done a wonderful job getting this put together earlier than we normally do. He also told Mr. Gibson that it is a wonderful budget. He added that we haven't normally been in this good of shape at this time.

**Mr. Caesar** stated that with the insight that we have gained with the state courtesy of Mr. Gibson, we all have a lot of confidence in the numbers that we are looking at. He also stated that he did want to note that 911 is not in the general fund anymore. He said that in the budget hearings it came up that the animal shelter is receiving a little less percentage from the county than they should. He said that he doesn't want this to go on like the parks department went on. He said that he thinks there is also another element of just payment that is of issue right now. He added that he thinks we have a really good budget.

**Mr. Gibson** stated that he feels fairly confident in the numbers but they won't have some of the final numbers from DLGF before the final readings that are required to be done at the end of the month. He said that he does feel confident that we are within the realm. He also said that he has had some emails with our local representative to verify that the numbers we have been using as far as what we believe we will get in the levy and she did seem to think that we are in the ballpark. He added that until we get those firm CREDIT numbers, etc., it can fluctuate one way or the other. He said that he does think that if it would fluctuate up a little we will be okay because he tried to be a little conservative.

**A-13-08          An Ordinance Setting Salaries for the Year          Caesar 1&2**  
**2014 for Elected Officials**

**Mr. Caesar introduced A-13-08 and moved to approve 1<sup>st</sup> and 2<sup>nd</sup> readings as amended, Mrs. Baird second, all voted in favor with the exception of Mrs. Benedetti and Mr. Blair who were not present.**

**Mrs. Baird withdrew her second.**

**Mr. Zurschmiede second.**

**Mr. Coffey moved to amend the ordinance to reflect no pay raise for the council, Mr. Phipps second, all voted in favor with the exception of Mr. Caesar and Mr. Zurschmiede who voted no and Mrs. Benedetti and Mr. Blair who were not present.**

**Mr. Gibson** stated that he handed out the updated version that should've been in the packet.

**Mr. Coffey** stated that he has no problem with full-time positions getting raises but the city council is a part-time position and he feels that most took the position as a service to the community and not for the money. He added that he has served for 14 years and has never voted in favor of a raise and doesn't plan to. He stated that he would like to make a motion that the council be done separately.

**Mr. Phipps** agreed that the council members do not need a raise.

**Mrs. Baird** agreed as well.

**Mr. Caesar** stated that we are not sure that we will even get enough money to handle all of this but we think we will.

**Mr. Coffey** stated that he feels that it is the wrong message to send to the community. He said that he would like to make a motion that they do a separate vote on the council.

**Mr. Zurschmiede** stated that with the way this body is operating with allowing a raise for everyone, he doesn't feel that anyone should be singled out. He added that if we want to do that in the future then we should but doesn't feel like they should go through that headache tonight.

**Mr. Phipps** said that to him it is not the money but the principle of it.

**A-13-09          An Ordinance to fix the Non-Reverting Budgets          Caesar 1&2**  
**for the year 2014**

**Mr. Caesar introduced A-13-09 and moved to approve 1<sup>st</sup> and 2<sup>nd</sup> readings, Mr. Gonder second, all voted in favor with the exception of Mrs. Benedetti and Mr. Blair who were not present.**

**A-13-04          Additional Appropriation in an amount          Coffey 3**  
**of \$345,000 from the Riverboat Fund to the**  
**Motor Vehicle Fund (MVH) for the**  
**Benefit of the Street Department**

**Mr. Coffey introduced A-13-04 and moved to approve the 3<sup>rd</sup> reading, Mr. Phipps second, all voted in favor with the exception of Mrs. Benedetti and Mr. Blair who were not present. Bill A-13-04 becomes Ordinance A-13-17.**

**A-13-05          Appropriation from Riverboat Fund to          Phipps 3**  
**Facilitate Traffic Study**

**Mr. Phipps introduced A-13-05 and moved to approve the 3<sup>rd</sup> reading, Mr. Coffey second.**

**Mr. Coffey withdrew his second.**

**Mr. Coffey reintroduced his second, Mr. Coffey, Mr. Phipps, Mrs. Baird and Mr. McLaughlin voted yes, Mr. Caesar, Mr. Gonder and Mr. Zurschmiede voted no, Mrs. Benedetti and Mr. Blair were not present, 3<sup>rd</sup> reading did not pass.**

**Mr. Phipps** stated that the council discussed this thoroughly at the last meeting and nothing has changed in it.

**Mr. Gonder** wanted to point out that he and Mr. Phipps met with the mayor on this issue. He said that he raised reservations about the study in that meeting and came away with the idea that the mayor was open to a different level of funding for this because we are saying here is how much money we have so what can we get for it. He said that is exactly what we have done here because we say we have \$60,000.00 to do a study and he would be so surprised if it came in at less than \$60,000.00. He said that there is willingness to convert the streets that will be easily converted you could trim that out of the body of the study and also have the 2007 study to build upon. He then quoted from a book that Mr. Phipps recommended that said that traffic studies are questionable in value because they put forth something that has to be implemented by the very people who are doing the study. He also said that he came away from the meeting with the mayor with the distinct impression that he was open to toning down the level of spending on the study and trying to get something more for the money rather than just offering up that amount. He then said that he just wanted to explain why he is changing his vote from the last meeting.

**Mr. Phipps** stated that he sensed that there was some movement there but he didn't sense a commitment. He still sensed that there was some reluctance there without some data. He stated that he agrees with Mr. Gonder and wishes that we didn't have to spend it and would be willing to make the decision tomorrow to do it but the only way he thinks that we will move forward is to have a study because that seemed to be the consensus of this body.

**Mr. Gonder** stated that he felt that the mayor expressed that he is in a bit of a box and feels like that he has to do a study to justify making the move and his point in their meeting was that the study has somehow picked up the price tag of \$60,000.00 which he doesn't think has any bearing on legitimacy. He said that he thought that the mayor said that he would be willing to tone down the parameters of the study and try to get something to come in at a lower figure. He also stated that he doesn't feel that in order to push it through that we should go ahead and assent to \$60,000.00 budget when that may or may not be the number that we need to spend.

**Mr. Phipps** stated the council is only appropriating \$30,000.00 and the city is coming up with the remainder.

**Mr. Gonder** stated that money is money.

**Mr. Phipps** stated that he understands that and just because we appropriate the money doesn't necessarily mean that much has to be spent.

**Mr. Coffey** stated that just because you appropriate doesn't mean that it has to be spent. He said that he feels like we should bid some of that out. He also said that he sees what Mr. Phipps is saying and that is if we don't do the study then it is not going to get done.

**Mr. Zurschmiede** stated that this doesn't even guarantee that a study will be done. He said it's just that we announce to the public that we've appropriated up to \$30,000.00 maybe \$60,000.00 for a study.

**Mr. Phipps** agreed and said that his fear is that we do a study and it will just sit there but he has to have some faith in the mayor and the administration when they say they are committed to it.

**Mr. Gonder** stated that he is not expressing lack of faith in the mayor he is just saying that he doesn't feel that they are doing him a favor or the citizens a favor by coming forth with an amount and saying let's spend \$60,000.00 on a study. He added that we don't really know what the cost of the study should be.

**Mr. Coffey** suggested adding the words up to.

**Mr. Gonder** stated that they should find the entity to do the study and ask them what it will cost. He added that he would like to get some bids on a study and if Mr. Phipps would assent to that then it could be amended.

**Mr. Phipps** stated that it could be tabled.

**Mr. Duggins** stated that it is a federal aid project so they will be scored and do an RFP. He said that you have to have appropriated money but it will be scored and the cost will be negotiated. He said that we will put out the scope of work that we are looking for and it will be put out to every engineer across the state so it will be a competitive atmosphere. He added that if you pass this evening it doesn't mean that it will come back at \$60,000.00.

**Mr. Caesar** stated that part of the problem here is that no one even has a scope of what they want done. He said that there are just a handful of people that want to be able to turn right off of Elm Street onto Bank Street. He said that he has talked to a minimum of 100 people and asked if they would spend \$2M to make all of the streets two-way and they were not.

**Mr. Coffey** stated that we don't know that it will cost \$2M. He also stated that downtown is not user friendly to the people that live here so it really is not for the people visiting.

**Mr. Caesar** stated that all you are doing is moving the marbles around in the bag for \$2M.

**Mr. Phipps** stated that he wanted to go ahead and vote on it because he is tired of beating a dead horse.

**BOARD APPOINTMENTS:**

**MISCELLANEOUS ITEMS:**

**COMMUNICATIONS – PUBLIC (non-agenda items):**

**IN COMMITTEE:**

**TABLED ORDINANCES:**

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 8:45 p.m.

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Pat McLaughlin, President

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Vicki Glotzbach, City Clerk